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CG-CVC Policy Letter
13-01

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From: 
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COMDT (CG-CVC)

To: Distribution

Subj: INTERIM GUIDANCE FOR REVISED MARPOL ANNEX V IMPLEMENTATION

Ref: (a) International Convention for the Prevention of Pollution from Ships (MARPOL), Annex V
– Regulations for the Prevention of Pollution by Garbage from Ships.
(b) Title 33, Code of Federal Regulations (CFR), Part 151.
(c) Title 33, United States Code, Section 1901, et. seq.

1. **Purpose.** This policy letter provides interim guidance to ensure U.S. and foreign flag oceangoing ships are in compliance with amendments to reference (a) that entered into force on January 1, 2013 until reference (b) is updated.
2. **Action.** Sector Commanders, Captains of the Port (COTPs), and Officers in Charge, Marine Inspection (OCMIs) shall use this interim guidance in the oversight of their respective U.S. flag fleet and foreign flag ships calling on U.S. ports subject to references (a) and (b).
3. **Directives Affected.** None.
4. **Background.** On July 15, 2011, the International Maritime Organization's Marine Environment Protection Committee (MEPC) formally adopted Resolution MEPC.201(62), amending MARPOL Annex V (reference (a)). These amendments entered into force on January 1, 2013 and establish a general prohibition on discharges of garbage into the sea. Under prescribed conditions, there are exceptions for food wastes, cargo residues, cleaning agents or additives contained in cargo hold, deck, and external surface wash waters, and animal carcasses. Enclosure (1) is from Resolution MEPC.219(63) – The 2012 Guidelines for the Implementation of MARPOL Annex V – and provides a simplified overview of the new discharge provisions.

These amendments are expected to increase the amount of garbage that will need to be offloaded at U.S. Port Reception Facilities. The Office of Port and Facility Compliance (CG-FAC) will issue separate policy on that subject as part of its Certificate of Adequacy program.

As a reminder, disposal of garbage from ships in special areas remains more restrictive and is detailed in Regulation 6 of MARPOL Annex V. One of these eight special areas is the Wider Caribbean Region, which includes the Gulf of Mexico and the Caribbean Sea. This reminder is offered because the Wider Caribbean Region requirements are implemented in U.S. waters.

5. Discussion. The U.S. implements MARPOL 73/78 Annex V by the Act to Prevent Pollution from Ships. Regulations are provided in 33 CFR 151 to assist the regulated community in complying with the law. However, current regulations are not aligned with the January 1, 2013 entry into force of the Annex V amendments. This policy letter is intended to act as interim guidance until U.S. regulations are updated.

The lack of updated regulations does not exempt ships from meeting the requirements of MARPOL Annex V. As of January 1, 2013, all U.S. ships and platforms, both fixed and floating, are expected to meet the requirements of the amended MARPOL Annex V. This is particularly important for U.S. ships on international voyages, including recreational and uninspected ships, who want to avoid Port State control actions. All non-U.S. flagged ships operating in the navigable waters of the U.S. or the Exclusive Economic Zone of the U.S. are expected to meet the requirement of the amended MARPOL Annex V.

Along with the new discharge requirements outlined in enclosure (1), the following differences between existing U.S. regulations and the amended MARPOL Annex V should be noted.

a. Garbage Record Book (33 CFR 151.55 / MARPOL Annex V (amended) Regulation 10):

While the applicability has not changed, there are notable changes in the general reporting format of the garbage record book to account for the increased restrictions on the discharge of garbage into the sea. The garbage record book, whether as part of the ship's official logbook or otherwise, shall be in the form specified in Resolution MEPC.201(62). Operators are encouraged to print the example provided in enclosure (2) for use.

b. Waste Management Plan (33 CFR 151.57 / MARPOL Annex V (amended) Regulation 10):

Requirements for domestic oceangoing ships have not changed. However, the applicability for non-U.S. flagged ships that engage in international voyages has been reduced from 400 gross tonnage and above to 100 gross tonnage and above. Garbage management plans should reflect the collecting, on board storage, and final disposition of garbage per the revised requirements.

c. Placards (33 CFR 151.59 / MARPOL Annex V (amended) Regulation 10):

While the applicability has not changed, placards must be updated to reflect the new garbage discharge requirements. Until U.S. regulations are updated to reflect the new garbage discharge regime and placards are readily available, U.S. flagged ships operating exclusively on domestic voyages may continue to use existing placards.

U.S. flagged ships on international voyages and visiting ports of a country that are party to MARPOL Annex V will need to meet the annex's placarding requirements to avoid possible port state control action. Operators are encouraged to make and post copies of the relevant examples provided in Enclosure (3).

6. Enforcement. Coast Guard Port State Control officers should verify a foreign flag ship's compliance with MARPOL Annex V during normally scheduled Port State Control examinations. For U.S. ships operating strictly on domestic routes, compliance should be verified by Coast Guard Marine Inspectors during normally scheduled inspections, but an educational outreach and awareness approach is encouraged. However, current enforcement options remain in place for willful and egregious violators or repeat offenders.

7. Disclaimer. This guidance is neither a substitute for applicable legal requirements, nor a rule. It is not intended nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current policy on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other Federal and state regulators, in applying statutory and regulatory requirements. An alternative approach may be used for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach, you may contact the Coast Guard Office of Commercial Vessel Compliance (CG-CVC-1).

8. Questions. Questions concerning this policy and guidance should be directed to COMDT (CG-CVC-1), Office of Commercial Vessel Compliance, at CG-CVC-1@uscg.mil. The e-mail subject line should include the following text: Revised MARPOL Annex V – Coast Guard Policy Question or Comment. This policy and other Domestic Vessel Policy documents are posted on Homeport at <http://homeport.uscg.mil/USvsls>.

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Enclosures: (1) Revised MARPOL Annex V Simplified Overview of Discharge Provision.
(2) Form of Garbage Record Book.
(3) Sample Placards.

SUMMARY OF RESTRICTIONS TO THE DISCHARGE OF GARBAGE INTO THE SEA UNDER REGULATIONS 4, 5 AND 6 OF MARPOL ANNEX V

Note: The following table is intended as a summary reference. The provisions in MARPOL Annex V, not the table below, prevail.

| Garbage Type ¹ | All ships except platforms ⁴ | | Offshore platforms located more than 12 nm from nearest land and ships when alongside or within 500 meters of such platforms ⁴ Regulation 5 |
|--|---|---|---|
| | Outside special areas Regulation 4 (Distances are from the nearest land) | Within special areas Regulation 6 (Distances are from nearest land or ice-shelf) | |
| Food waste comminuted or ground ² | ≥ 3 nm, en route and as far as practicable | ≥ 12 nm, en route and as far as practicable ³ | Discharge permitted |
| Food waste not comminuted or ground | ≥ 12 nm, en route and as far as practicable | Discharge prohibited | Discharge prohibited |
| Cargo residues ^{5,6} not contained in wash water | ≥ 12 nm, en route and as far as practicable | Discharge prohibited | Discharge prohibited |
| Cargo residues ^{5,6} contained in wash water | | ≥ 12 nm, en route and as far as practicable (subject to conditions in regulation 6.1.2) | |
| Cleaning agents and additives ⁶ contained in cargo hold wash water | Discharge permitted | ≥ 12 nm, en route and as far as practicable (subject to conditions in regulation 6.1.2) | Discharge prohibited |
| Cleaning agents and additives ⁶ in deck and external surfaces wash water | | Discharge permitted | Discharge prohibited |
| Animal carcasses (should be split or otherwise treated to ensure the carcasses will sink immediately) | Must be en route and as far from the nearest land as possible. Should be > 100 nm and maximum water depth | Discharge prohibited | Discharge prohibited |
| All other garbage including plastics, synthetic ropes, fishing gear, plastic garbage bags, incinerator ashes, clinkers, cooking oil, floating dunnage, lining and packing materials, paper, rags, glass, metal, bottles, crockery and similar refuse | Discharge prohibited | Discharge prohibited | Discharge prohibited |

- 1 When garbage is mixed with or contaminated by other harmful substances prohibited from discharge or having different requirements, the more stringent requirements shall apply.
- 2 Comminuted or ground food wastes must be able to pass through a screen with mesh no larger than 25 millimeters (one inch).
- 3 The discharge of introduced avian products in the Antarctic area is not permitted unless incinerated, autoclaved or otherwise treated to be made sterile.
- 4 Offshore platforms located 12 nautical miles from nearest land and associated ships include all fixed or floating platforms engaged in exploration or exploitation or associated processing or seabed mineral resources, and all ships alongside or within 500 meters (1650 feet) of such platforms.
- 5 Cargo residues means only those cargo residues that cannot be recovered using commonly available methods for unloading.
- 6 These substances must not be harmful to the marine environment.

FORM OF GARBAGE RECORD BOOK

Name of ship _____

Distinctive number or letters _____

IMO Number _____

Period _____ From _____ To _____

1 Introduction

In accordance with regulation 10 of Annex V of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 (MARPOL), a record is to be kept of each discharge operation or completed incineration. This includes discharges into the sea, to reception facilities, or to other ships, as well as the accidental loss of garbage.

2 Garbage and garbage management

Garbage means all kinds of food wastes, domestic wastes and operational wastes, plastics, cargo residues, cooking oil, fishing gear, and animal carcasses generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention. Garbage does not include fresh fish and parts thereof generated as a result of fishing activities undertaken during the voyage, or as a result of aquaculture activities which involve the transport of fish including shellfish for placement in the aquaculture facilities and the transport of harvested fish including shellfish from such facilities to shore for processing.

The Guidelines for the Implementation of Annex V of MARPOL¹ should also be referred to for relevant information.

3 Description of the garbage

Garbage is to be grouped into categories for the purposes of the Garbage Record Book (or ship's official log-book) as follows:

- A. Plastics
- B. Food wastes
- C. Domestic wastes
- D. Cooking Oil
- E. Incinerator ashes
- F. Operational wastes
- G. Cargo residues
- H. Animal Carcass(es)
- I. Fishing Gear²

¹ Refer to the Guidelines for the Implementation of Annex V of MARPOL 73/78, as amended by resolutions.

² Refer to Guidelines developed by the Organization.

4 Entries in the Garbage Record Book

4.1 Entries in the Garbage Record Book shall be made on each of the following occasions:

4.1.1 When garbage is discharged to a reception facility³ ashore or to other ships:

- .1 Date and time of discharge
- .2 Port or facility, or name of ship
- .3 Categories of garbage discharged
- .4 Estimated amount discharged for each category in cubic meters
- .5 Signature of the officer in charge of the operation.

4.1.2 When garbage is incinerated:

- .1 Date and time of start and stop of incineration
- .2 Position of the ship (latitude and longitude) at the start and stop of incineration
- .3 Categories of garbage incinerated
- .4 Estimated amount incinerated in cubic meters
- .5 Signature of the officer in charge of the operation.

4.1.3 When garbage is discharged into the sea in accordance with regulations 4, 5 or 6 of Annex V of MARPOL:

- .1 Date and time of discharge
- .2 Position of the ship (latitude and longitude). Note: for cargo residue discharges, include discharge start and stop positions.
- .3 Category of garbage discharged
- .4 Estimated amount discharged for each category in cubic meters
- .5 Signature of the officer in charge of the operation.

4.1.4 Accidental or other exceptional discharges or loss of garbage into the sea, including in accordance with regulation 7 of MARPOL Annex V:

- .1 Date and time of occurrence
- .2 Port or position of the ship at time of occurrence (latitude, longitude and water depth if known)
- .3 Categories of garbage discharged or lost
- .4 Estimated amount for each category in cubic meters
- .5 The reason for the discharge or loss and general remarks.

³ In line with the standard format for waste delivery receipt, MEPC.1/Circ.645, ship's masters should obtain from the operator of the reception facilities, which includes barges and trucks, a receipt or certificate specifying the estimated amount of garbage transferred. The receipts or certificates must be kept together with the Garbage Record Book.

4.2 Amount of garbage

The amount of garbage on board should be estimated in cubic meters, if possible separately according to category. The Garbage Record Book contains many references to estimated amount of garbage. It is recognized that the accuracy of estimating amounts of garbage is left to interpretation. Volume estimates will differ before and after processing. Some processing procedures may not allow for a usable estimate of volume, e.g. the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.

RECORD OF GARBAGE DISCHARGES

Ship's name: _____

Distinctive No., or letters: _____

IMO No.: _____

Garbage categories:

- A. Plastics
- B. Food wastes
- C. Domestic wastes (e.g., paper products, rags, glass, metal, bottles, crockery, etc.)
- D. Cooking oil
- E. Incinerator Ashes
- F. Operational wastes
- G. Cargo residues
- H. Animal Carcass(es)
- I. Fishing gear

| Date/Time | Position of the Ship/Remarks (e.g., accidental loss) | Category | Estimated Amount Discharged or Incinerated | To Sea | To Reception Facility | Incineration | Certification/ Signature |
|-----------|--|----------|--|--------|-----------------------|--------------|--------------------------|
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RECORD OF GARBAGE DISCHARGES

| | |
|--------------------------------|--|
| Ship's Name | |
| Distinctive Numbers or Letters | |
| IMO Number | |

*Garbage Categories:

| | | |
|--------------------|-----------------------|-----------------------|
| A. Plastics | D. Cooking Oil | G. Cargo Residues |
| B. Food Wastes | E. Incinerator Ashes | H. Animal Carcass(es) |
| C. Domestic Wastes | F. Operational Wastes | I. Fishing Gear |

| Date/Time | Position of the Ship/Remarks (e.g., accidental loss) | Category* | Estimated Amount | To Sea | To Reception Facility | Incineration | Certification/Signature |
|-----------|---|-----------|------------------|--------|-----------------------|--------------|-------------------------|
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Sample Placards

1. Targeting crew and shipboard operations on vessels of more than 7.9 meters (26 feet) in length overall.

Discharge of all garbage into the sea is prohibited except when specifically allowed

The MARPOL Convention and U.S. law prohibit the discharge of most garbage from ships. Only the following garbage types are allowed to be discharged and under the specified conditions.

Outside Special Areas designated under MARPOL Annex V:

- Comminuted or ground food wastes (capable of passing through a screen with openings no larger than 25 millimeters (1 inch)) may be discharged not less than 3 nautical miles from the nearest land.
- Other food wastes may be discharged not less than 12 nautical miles from the nearest land.
- Cargo residues classified as not harmful to the marine environment may be discharged not less than 12 nautical miles from the nearest land.
- Cleaning agents or additives in cargo hold, deck and external surfaces washing water may be discharged only if they are not harmful to the marine environment.
- With the exception of discharging cleaning agents in washing water, the ship must be en route and as far as practicable from the nearest land.

Inside Special Areas designated under MARPOL Annex V:

- More stringent discharge requirements apply for the discharges of food wastes and cargo residues; and
- Consult Annex V and the shipboard garbage management plan for details.

For all areas of the sea, ships carrying specialized cargoes such as live animals or solid bulk cargoes should consult Annex V and the associated Guidelines for the implementation of Annex V.

Discharge of any type of garbage must be entered in the Garbage Record Book.

Violation of these requirements may result in penalties.

2. Targeting fixed or floating platforms and ships operating within 500 meters (1650 feet) of such platforms.

**Discharge of all garbage into the sea is prohibited
except when specifically allowed**

The MARPOL Convention and U.S. law prohibit the discharge of all garbage into the sea from fixed or floating platforms and from all other ships when alongside or within 500 meters (1650 feet) of such platforms.

Exception: Comminuted or ground food wastes may be discharged from fixed or floating platforms located more than 12 nautical miles from the nearest land and from all other ships when alongside or within 500 meters (1650 feet) of such platforms. Comminuted or ground food wastes must be capable of passing through a screen no larger than 25 millimeters (1 inch).

Discharge of any type of garbage must be entered in the Garbage Record Book

Violation of these requirements may result in penalties.

3. Targeting vessels with large numbers of passengers where a simple placard in common areas/staterooms might be useful. This could supplement #1.

**Discharge of all garbage into the sea is prohibited
except when specifically allowed**

The MARPOL Convention and U.S. law generally prohibit the discharge of most forms of garbage from ships into the sea.

Violation of these requirements may result in penalties.

All garbage is to be retained on board and placed in the bins provided.